

ESTTA Tracking number: **ESTTA117391**

Filing date: **12/30/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Ivan Vos Holding B.V.
Granted to Date of previous extension	12/31/2006
Address	BURG. VAN ERPSTRAAT 26 BERGHEM, 5351 AW NETHERLANDS
Attorney information	Jess M. Collen Collen IP, Intellectual Property Law, P.C. The Holyoke-Manhattan Building, 80 South Highland Avenue Ossining, NY 10562 UNITED STATES jcollen@collenip.com, pmulhern@collenip.com Phone:914-941-5668

Applicant Information

Application No	78348467	Publication date	07/04/2006
Opposition Filing Date	12/30/2006	Opposition Period Ends	12/31/2006
Applicant	Isotec, Inc. 16541 Gothard Street, Ste 208 Huntington Beach, CA 92647 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. All goods and services in the class are opposed, namely: Wholesale distributorship services and online retail store services featuring sporting goods, fitness equipment and home and leisure products, namely, toys.

Attachments	rev-it sport notice of opp 78348467 F452 12 30 06.pdf (5 pages)(140520 bytes)
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Signature	/Jess M. Collen/
Name	Jess M. Collen
Date	12/30/2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

Applicant : Isotec, Inc.
Serial No. : 78/348,467
Filed : January 6, 2004
For : REV-IT SPORT
Published : July 4, 2006

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313

NOTICE OF OPPOSITION

Ivan Vos Holding B.V., at Burg. Van Erpstraat 26, Berghem 5351 AW, Netherlands, a corporation duly organized and existing under the laws of Netherlands (referred to as “IVAN VOS HOLDING” or “Opposer”) believes that it would be damaged by the registration of the mark shown in the above-identified application, and hereby opposes that mark, pursuant to 15 USC § 1063 and 37 CFR § 2.104.

As grounds for opposition, it is alleged that:

(1) Opposer is the owner of the mark REV'IT!, as used in connection with a variety of goods and services, including eyewear, namely eyeglasses, sunglasses, and frames and lenses therefor; eyeglass and sunglasses cases; helmets, namely motorcycle and bicycle helmets; telephones, namely telephone sets, mobile telephones, cellular telephones, and

cordless telephones, in International Class 009; and clothing, namely, men's, women's, and children's jackets, coats and trousers made from cloth, leather, or imitation leather, overalls, t-shirts, sport shirts, sweatshirts, knit shirts, and sweaters; rainwear and raincoats; footwear, namely, men's, women's and children's boots and shoes; headwear, namely, hats, headbands, kerchiefs, and scarves; gloves made from cloth, leather, or imitation leather; shawls; belts in International Class 025.

(2) Opposer is the owner of U.S. Registration No. 3087872, registered on May 2, 2006, for the mark REV'IT! for goods as stated above in International Classes 025 and 009.

(3) Opposer has used its mark in commerce and has acquired valuable goodwill and recognition for its mark. The public has come to associate the mark REV'IT! with the Opposer and Opposer's goods.

(4) The Opposer is and has been engaged in the sale of goods in the United States under the trademark REV'IT! since a time prior to any use or constructive use by the Applicant.

(5) Opposer is and has been engaged in the sale and marketing, under the REV'IT! mark, of highly related goods to those recited by Applicant in its application since a time prior to Applicant's first use or constructive first use of its mark.

(6) Alternatively, on information and belief, the Applicant's mark has not been used in commerce.

(7) Applicant's mark REV-IT SPORT is identical to Opposer's REV'IT! trademark, with only the addition of the disclaimed word "Sport", and is likely, when used in conjunction with the goods offered by the Applicant, to cause confusion, or to cause mistake or to deceive. 15 USC § 1052(d).

(8) The Opposer's mark has been in use since a time prior to use or constructive use by the Applicant.

(9) Consumers encountering the Applicant's mark and goods are likely to believe that such goods originate from, or are authorized or sponsored by, the Opposer, in view of the recognition of the Opposer's mark and the fact that Applicant's mark is identical to the Opposer's mark.

(10) On information and belief, both the Applicant's mark and Opposer's mark are likely to be encountered through the same or similar or related channels of trade or distribution.

(11) On information and belief, the Applicant has adopted its trademark with full knowledge of the Opposer's REV'IT! trademark.

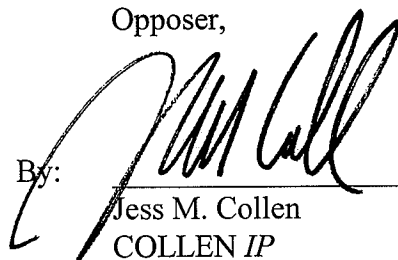
(12) On information and belief, the Applicant's mark is also likely to diminish and dilute the value and distinctive character of this mark, to the great detriment of the Opposer's REV'IT! mark, thus damaging the Opposer.

(13) Applicant's REV-IT SPORT mark is likely to cause confusion, or to cause mistake or to deceive, with the Opposer's mark.

OPPOSER prays that this application Serial No. 78/348,467 be refused, that no registration be issued thereon to Applicant and that this Opposition be sustained in favor of the Opposer.

Respectfully submitted for
Opposer,

By:



Jess M. Collen
COLLEN IP
Attorney for Opposer

JMC/JMJ:ml:pm

COLLEN IP
THE HOLYOKE -MANHATTAN BUILDING
80 SOUTH HIGHLAND AVENUE
OSSINING, NEW YORK 10562

DATED: December 30, 2006

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 03-2465.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FILED THROUGH THE ELECTRONIC SYSTEM FOR TRADEMARK TRIAL AND APPEALS IN THE UNITED STATES PATENT AND TRADEMARK OFFICE.

COLLEN IP

By: 

98775 Notice of Opposition(3-22-06)

Date: December 30, 2006